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PTO/SB/21 (06-08)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/700,032
Filing Date	November 3, 2003
First Named Inventor	Hani N. Sabbah
Art Unit	1657
Examiner Name	Vera Afremova
Total Number of Pages in This Submission	15
Attorney Docket Number	1059.00096

ENCLOSURES (Check all that apply) Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Reply to Missing Parts/
Incomplete Application Reply to Missing Parts
under 37 CFR 1.52 or 1.53 Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) _____ Landscape Table on CD After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please identify below):

Submission of Supplemental Declarations (1 p)

Supplemental Declaration of Sabbah (3 pp)

Supplemental Declaration of Sharov (3 pp)

Supplemental Declaration of Ishigai(3 pp)

Supplemental Declaration of Maltsev(3 pp)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Cyr & Associates, P.A.

Signature

Printed name

David H. Carroll

Date

July 8, 2009

Reg. No.

29,903

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Michele A. Read

Date

July 8, 2009

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-08)

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEET TRANSMITTAL
For FY 2009** Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete If Known	
Application Number	10/700,032
Filing Date	November 3, 2003
First Named Inventor	Hani N. Sabbah
Examiner Name	Vera Afremova
Art Unit	1657
Attorney Docket No.	1059.00096

METHOD OF PAYMENT (check all that apply)
 Check Credit Card Money Order None Other (please identify): _____

 Deposit Account Deposit Account Number: 50-3141 Deposit Account Name: Cyr & Associates, P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

<u>Fee Description</u>	<u>Small Entity</u>
Each claim over 20 (including Reissues)	52 26
Each independent claim over 3 (including Reissues)	220 110
Multiple dependent claims	390 195

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20.						

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	=			
HP = highest number of independent claims paid for, if greater than 3.					

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

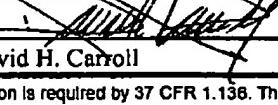
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY

<u>Signature</u>		<u>Registration No.</u> 29,903 (Attorney/Agent)	<u>Telephone</u> (763) 587-7076
<u>Name (Print/Type)</u>	David H. Carroll		<u>Date</u>

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUL 08 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hani Sabbah et al.

Examiner: Vera Afremova

Serial No. 10/700,032

Group Art Unit: 1657

Filed: November 3, 2003

Docket No.: 1059.00096

Conf. No.: 3424

Title: METHOD OF IMPROVING CARDIAC FUNCTION OF A DISEASED
HEART

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE U.S.
PATENT AND TRADEMARK OFFICE, FAX NUMBER (571) 273-8300 ON JULY 8, 2009.

MICHELE A. READ
Name of Person Signing This Certificate

Michele A. Read
Signature

SUBMISSION OF SUPPLEMENTAL DECLARATIONS
PURSUANT TO 37 CFR § 1.67

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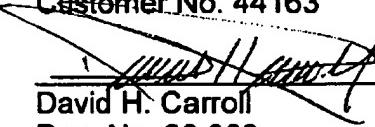
Sir:

Pursuant to 37 CFR § 1.67, respective signed supplemental declarations of the inventors Sabbah, Sharov, Ishigai and Maltsev are hereby submitted. Additionally, the supplemental declarations correct various deficiencies or inaccuracies present in the earlier filed oath or declaration, as follows. For Inventor Sabbah, his name, residence, and post office address have been corrected. For Inventor Sharov, his name, residence, and post office address have been corrected. For Inventor Ishigai, his citizenship, residence, and post office address have been corrected. For Inventor Maltsev, his name, residence, and post office address have been corrected.

Respectfully submitted,
Cyr & Associates PA
Customer No. 44163

Date: July 8, 2009

By:


David H. Carroll
Reg. No. 29,903